OGC HAS REVIEWED
Approved For Release 2007/02/07 : CIA-RDP58-00453R000300080103-1

6 April 1954

RGH
CWP

25X1A

MEMORANDUM FOR: [redacted]

ATTENTION : Mr. Swift

25X1A

SUBJECT : Proposed Dispatch No [redacted]

1. You have asked for our concurrence in the subject dispatch which we have withheld for the reasons hereinafter set forth.

2. To our knowledge, the only authority for payment of per diem to dependents of a civilian employee is contained in the Foreign Service Travel Regulations. These regulations cover travel between the United States and posts abroad which do not include post within a territory of the United States. In the absence of enabling authority such as is contained in these regulations not here applicable, there is no basis for payment of per diem for dependents. The language of Paragraph 1 might be amended to emphasize more clearly this aspect.

3. Our principal difficulty with the subject proposed dispatch apparently arises from our interpretation of the emphasis given to the reimbursement claim in Paragraph 2. If this paragraph is read as we think it may be to indicate a predisposition to approval of a claim for reimbursement of expenses incurred in connection with official travel of dependents, certain legal difficulties may be anticipated. If, on the other hand, it is your view that the individual involved was subjected by our direction to the incurrence of expenses he would not otherwise have sustained and if it is only being suggested that he submit such a claim for appropriate consideration and determination your proposed draft may be legally proper. Because of the inherent ambiguity in the language, however, we believe Paragraph 2 should be amended to make it certain that you are only suggesting that [redacted] submit a detailed statement of his expenses for appropriate review and without any commitment as to advance approval. 25X1A

25X1A

[redacted]

Office of General Counsel

OGC/GMK:hm
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